REMARKS

In the Office Action mailed March 5, 2004, claims 7 and 9 are allowed, claims 2 and 3 are objected to as being dependent upon a rejected base claim, the specification was objected to for minor informality, claims 1, 4, 5, and 6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Millward et at. (U.S. Patent No. 6,324,228), and claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Millward et al. The foregoing rejections are respectfully traversed.

In accordance with the foregoing, the specification and claims 1, 2, 3, 7, 8, and 9 have been amended. New claim 10 is added. No new matter is presented.

Claims 1 and 7-9 are amended for clarification.

Claims 1-10 are pending and under consideration.

The Examiner is respectfully requested to clarify whether the drawings are objected to, in Office Action Summary.

The Examiner is also respectfully requested to acknowledge receipt of the certified copy of the priority document.

The Examiner's allowance of claims 7 and 9 and is acknowledged and appreciated.

The specification is amended, taking the Examiner's comments into consideration. Withdrawal of the objections to the specification is respectfully requested.

Also in the Office Action, the Examiner asserted that Claims 2 and 3 would be allowable if amended into independent form. Claims 2 and 3 are amended into independent form. It is understood and therefore submitted that claims 2 and 3 are allowable.

Millward discusses the use of a gain controller 440, including an RSSI comparator 610, a magnitude comparator 620, a logic combiner 630, and a gain selector 640 (refer to col. 6 at lines 34-39, and Figure 6 of Millward).

The Examiner admits the Millward does not discuss the use of an integrator, an equalizer, a squaring circuit, a rectifying circuit, or the use of integration of selected output, in an AGC (automatic gain control) circuit. However, the Examiner asserts that the admitted prior art of the present application discusses same.

The Examiner relies upon U.S. Patent No. 4,689,805 (col. 5 at lines 60-65) to Pyhalammi et al.) to provide the motivation to use a rectifying circuit in an AGC circuit.

In the Office Action, the Examiner asserts that the decision logic circuit 730 of Figure 7 of Millward corresponds to the "determination circuit" of the present application.

However, the "determination circuit" (as recited in claims 1 and 10), the "determination module" (as recited in claim 4), and the "determining a value" (as recited in claim 8) of the present application, patentably distinguish over the decision logic circuit 730 of Millward.

The rejections of claims 1, 4, 5, 6, and 8 are respectfully traversed.

Claim 1 of the present application recites "a first signal corresponding to a first error" and "a second signal corresponding to a second error", and a determination circuit which "selects as an output signal of said determination circuit one of said first and second signals based on" a determination". Claims 4 and 8 recite similar features.

That is, in the present invention one of the signals corresponding to one of the errors input to the determination circuit is selected as the output of the determination circuit.

The decision logic circuit 730 of Millward, in contrast to the present invention, as discussed in column 7 at lines 8-16, "performs a decision based on the comparison results" and generates a select signal w.

Millward does not discuss or suggest that the select signal w is one of comparison results u and v input to the decision logic circuit. The gain multiplexer 740 of Millward then selects one of four gain default gain values based on the select signal w.

While the present invention determines which one of error signals to select, based upon a comparison of one of the error signals, Millward generates a select signal w to be used in selecting default gain values.

In addition, new claim10 recites "a determination circuit connected to the error calculation circuits and determining a value of an output error signal from one of the error calculation circuits, and selecting as an output signal from said determination circuit one of the output error signals based on said determination".

Claims 5 and 6 depend, either directly or indirectly, from claim 4 and recite patentably distinguishing features of their own. For example, claim 5 recites "said first error calculation circuit comprising a squaring circuit for squaring an input signal".

Withdrawal of the foregoing rejections is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: August 4, 2004

By: _____

Gene M. Garner II
Registration No. 34,172

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501